

different committees worked the election of many candidates in addition to himself.

On the application of Mr. Frankenberry, County Judge John H. Galloway Jr. issued the subpoena. It directed Mr. OTTINGER to appear in State supreme court here on January 19 with all financial records of the committees that received contributions and spent money in his campaign.

Mr. Frankenberry said Mr. OTTINGER would be asked to make a sworn statement about the funds. This, he said would be of use to the Congressional committees he has asked to investigate the election and to disqualify Mr. OTTINGER.

OTTINGER'S SISTER: "LUMP SUM" GIFT

Representative-elect RICHARD L. OTTINGER's sister said last night that she had not contributed individually to any of the 27 committees that financed his successful Democratic campaign for Congress in Westchester County.

"I was not actively involved in my brother's campaign," said Mrs. Patricia L. Heath, "and I did offer some money to help. I contributed the money to my brother, not to any specific organization. The lump sum was given to him to do with as he saw fit."

The candidate's sister said she was not at all sure exactly how much money she had donated or why all the gifts were listed in the amount of \$3,000 but she felt she could explain it.

"As I understand it," she said, "gifts are not permitted by family members in excess of \$3,000. That's the sort of thing you had better ask my brother about."

Mrs. Heath, reached in Boston by telephone, said: "We did try to keep to the election law, I think that is understood." Then a few moments later, she added: "You know, campaigns cost quite a bit."

Mrs. William Ottinger, the candidate's mother, who, the records show, contributed to 27 different campaign committees, could not be reached for comment.

Yesterday a study of campaign financial records in Albany confirmed that the mother and sister of the Democratic Representative-elect were the sole or major contributors to Mr. OTTINGER's campaign.

On Monday, James R. Frankenberry charged that 34 committees were set up to finance Mr. OTTINGER's campaign, and that Mrs. Ottinger and Mrs. Heath were exclusive contributors to 22 of the groups.

A Herald Tribune examination—not yet completed—of the records showed 27 committees listed in the election campaign finances files at the Department of State in Albany.

Mr. Frankenberry, who had campaigned for Republican Representative Robert L. Barry, defeated by Mr. OTTINGER in the Westchester-Putnam 25th District, has asked the House to bar the new Representative, charging violations of State and Federal election laws.

In Washington, a spokesman for the House Administrative Committee said Mr. Frankenberry's complaint had not been received. His letter was dated last Saturday, to fall within a statute of limitation on election complaints.

The House spokesman said the complaint would be investigated to see if it had merit, and a decision made on whether to pursue the matter or drop it.

There is no law to prevent a candidate from having as many separate campaign committees as he can manage. New York State law, however, limits a candidate's personal campaign expenses to \$8,000, and places the same limit on all committees taking part "solely in his election." Mr. OTTINGER said Monday that provision would not apply to his case, since the committees were for all Democratic candidates, and were set up to advance the cause of better government.

In almost every case the records showed Mrs. Ottinger and Mrs. Heath contributed \$3,000 each to the committees they financed.

Under Federal law, the donor of any gift over \$3,000 must pay a gift tax. There is no limit on the number of \$3,000 gifts that may be made in a single year without paying a gift tax, but each gift—including political contributions—must be to a separate entity. Organizations as well as individuals may receive such tax-free gifts.

Persons with large estates often distribute gifts during their lifetime to avoid heavy estate taxes after they die. The law encourages this by establishing the \$3,000 exemption.

In the case of the contributions by Mrs. Ottinger and Mrs. Heath, if all the money they gave had been to a single campaign committee everything in the gift over \$3,000 would have been subject to the tax.

Experts said that if the Ottingers had been trying to avail themselves of the gift-tax exemption, they would have to establish that each committee was a separate entity. If the Internal Revenue Service decides all the committees were really for a single purpose, it will order payment of the gift tax.

The Herald Tribune asked Herbert B. Fischgrund, listed as treasurer or assistant treasurer of most of the committees, if the \$3,000 figure did have that significance.

He would reply only as follows:

"No comment. We will let the reports of the Department of State speak for themselves."

Mr. Fischgrund is a partner in the accounting firm of Fields, Fischgrund & Aeronson, 420 Lexington Ave. He said his firm has represented the Ottinger family for some time.

[From the White Plains (N.Y.) Reporter Dispatch, Dec. 24, 1964]

THE OTTINGER CASE AS A TEST

Congressman-elect RICHARD L. OTTINGER, of Westchester's 25th District, has characterized as "sour grapes" a complaint by James R. Frankenberry, of Bronxville, that Mr. OTTINGER's estimated \$200,000 in campaign expenditures, through a host of committees, violated Federal and State statutes.

But the situation shouldn't, and can't, be dismissed that casually even though, as Mr. OTTINGER contends, he may have operated within the letter of applicable laws. The basic question is whether or not he violated the spirit or intent of any such laws. And that raises the further, and very pertinent, question of whether or not those laws need drastic revision.

Nor is it relevant to the fundamental issue here that Mr. OTTINGER may only have done what other men of large personal means, or with vast family funds at their disposal, have done to win public office. The possibility of the use of the Ottinger technique by others serves only to emphasize the importance of establishing, once and for all, sound, sensible, and clearly defined public policy on such campaign spending.

The devising of such a policy will not be a simple matter, obviously. It should take into account not only the amounts and the sources of funds but the propriety of the uses to which they may be put.

Thus, rather than being a "sour grapes" gesture by a supporter of Congressman Robert R. Barry, who lost to Mr. OTTINGER, Mr. Frankenberry's challenge of the winner's campaign finance operation may well prove an important public service.

Certainly even the bare possibility that the personal wealth of a candidate and his family may be employed in ways to overwhelm a less affluent opponent must be disturbing to all who are concerned with the fundamental integrity of the democratic process in this country.

It will, therefore, be deplorable, to say the very least, if the majority leadership of the

House of Representatives fails to insist that the Frankenberry complaint be thoroughly investigated and constructively passed upon by whatever congressional committees or other Federal agencies may be charged with upholding the validity and integrity of the election process. Certainly it is to be expected that Mr. OTTINGER will cooperate fully and frankly with any such inquiry. Persistence in his "sour grapes" dismissal of the situation can only serve to impair his standing with many of those Westchester people who voted for him.

Richard L. Ottinger
LEGISLATION TO MAKE IT A FEDERAL CRIME TO ATTACK OR ASSASSINATE THE PRESIDENT, THE VICE PRESIDENT, OR ANY OTHER OFFICER NEXT IN LINE OF SUCCESSION TO THE PRESIDENT, THE PRESIDENT-ELECT, AND THE VICE-PRESIDENT-ELECT

(Mr. SCHWEIKER (at the request of Mr. HALL) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWEIKER. Mr. Speaker, a number of colleagues on both sides of the aisle join me today in introducing legislation making it a Federal crime to attack or assassinate the President, the Vice President, or other officer next in line of succession to the President, the President-elect, and the Vice-President-elect. I urge the support of the House for passage of this proposal at the earliest possible moment.

Following the tragic death of President Kennedy I was astounded to learn that assassination of the President is not a Federal crime although attacks upon a number of lesser Federal officials are covered by the United States Code. Immediately I introduced H.R. 9232 to correct this anomalous situation and several colleagues joined me in that effort during the 88th Congress.

Last fall, the Warren Commission, in its report, recommended to the Congress that it enact such legislation. The bill, which I have introduced today, follows exactly the recommendations of the Commission.

It is inconceivable to me that a crime of the magnitude of Presidential assassination, affecting as it does the security and welfare of the Nation, is not covered by Federal statutes. In 1902 similar legislation passed both Houses but failed of enactment when the other body refused to accept the conference report. During debate on that measure its sponsor, Senator George F. Hoar, pointed out that "what this bill means to punish is the crime of interruption of the Government of the United States and the destruction of its security by striking down the life of the person who is actually in the exercise of the executive power, or of such persons as have been constitutionally and lawfully provided to succeed thereto in case of a vacancy. It is important for this country that the interruption shall not take place for an hour." The gentleman's remarks are even more appropriate in 1965.

Enactment of this legislation would mean that Federal law-enforcement of-

ficials would investigate these crimes against our highest officials. At present, Federal agencies such as the FBI participate, in the words of the Warren Commission report, "only upon the sufferance of the local authorities." In addition, the Commission has pointed out that this legislation "will insure that any suspects who are arrested will be Federal prisoners, subject to Federal protection from vigilante justice and other threats."

It has been more than 13 months since I first urged the House to act upon such legislation. I renew my plea on this opening day of the 89th Congress hoping that the measures introduced today by my colleagues and me can be carefully but speedily considered.

(Mr. COLLIER (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. COLLIER'S remarks will appear hereafter in the Appendix.]

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LEGISLATION DESIGNED TO CREATE A NEW CABINET-LEVEL DEPARTMENT OF EDUCATION

(Mr. FOGARTY (at the request of Mr. MATSUNAGA) was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FOGARTY. Mr. Speaker, today I have introduced legislation to create within our executive branch of the Federal Government a new Cabinet-level Department of Education. In my judgment, this proposal belongs at the top of the agenda in our consideration of national affairs at the outset of this new Congress.

Education today is our biggest national business, our principal domestic activity. We now recognize its importance at all levels of our government—except, indeed, at the Federal level. Expenditures for education are the biggest item in the budgets of our States and localities, representing 37 percent of all disbursements. These funds for education now total \$25 billion and are decidedly on the increase.

In total funds education now ranks second to national defense as our largest public expenditure and accounts for 16 percent of the budget of our Federal, State, and local governments. Public and private expenditures for education now total \$33.7 billion and represent 5.8 percent of our gross national product. Education engages the time of 3 out of 10 of all our citizens as their principal activity.

These statistics, impressive as they may be, are merely reference points to the importance of education in our national progress and survival. The foundation of our scientific and technical

growth, the means of transmitting and improving our culture, education today is the mainspring of our economic and social development. It is basic to all public functions including our national defense and security. This we have known in the past, perhaps dimly. Today we are seeing education with far more clarity as a national means of meeting the thrust of communism, of adjusting to the dislocations of automation, of reacting to the persisting causes of poverty in a day of growing abundance.

A half century ago, the philosopher, Alfred North Whitehead, said:

When one considers the education of a nation's young, the broken lives, the defeated hopes, the national failures which result from the frivolous inertia with which it is treated, it is difficult to restrain within oneself a savage rage. In the conditions of modern life the rule is absolute, the race which does not value trained intelligence is doomed. Not all your heroism, not all your social charm, not all your wit, not all your victories on land or at sea, can move back the finger of fate. Today we maintain ourselves. Tomorrow science will have moved forward yet one more step, and there will be no appeal from the judgment which will then be pronounced on the uneducated.

Now within more recent years the Federal Government has made notable strides in supporting this Nation's education. The 88th Congress set a magnificent record in its enactment of laws on education's behalf. Its accomplishments include aid to construct higher education facilities, to broaden and modernize vocational and technical education, to educate the unemployed and the technologically displaced, to build public libraries, to train teachers of the handicapped, to expand the multipurpose National Defense Education Act, as well as legislation for economic opportunity and for civil rights.

This record moved President Johnson to salute the 88th as our "Education Congress." But our work is far from done. In the 89th Congress we must continue these advances to meet fully the critical needs of education for all our citizens.

Now, perhaps, we are freed from the crippling myth that the Federal Government must not involve itself in education. Now, let us hope this folly is behind us and we can move sensibly forward as a nation to create an educational structure adequate to the job ahead. But we in Congress can only enact measures. We cannot carry them forward to fulfillment.

Today we devote almost \$5 billion a year of our Federal budget to education including service, training, and research. A major share of this, approximately one-third, is expended by the Office of Education either directly or by transfer of funds from other agencies. Needless to add, a major share of the education budget still lies outside the Office of Education.

In the present structure of this Office, we are avoiding the direct identification of major educational aids as part of an essential Federal program. As a result of our shortsightedness, we have seen educational activities proliferate through

the Federal structure under a variety of agencies and departments.

The Committee on Education and Labor in 1963 reported that some 42 agencies of the Federal Government were presently continuing programs within the definition of "education." Indeed education functions have become so diffuse at the Federal level that it takes a major effort such as that represented by the committee report of June 1963 simply to catalog the total effort.

Education has now outdistanced the Federal structure that was designed through the Federal Security Agency a quarter century ago to contain it, along with other semirelated functions. The plain fact of the matter is that the Department of Health, Education, and Welfare is today inadequate to the task of providing executive leadership to the vital function of education, while seeking to coordinate this people-to-people function along with similar functions of government.

It makes no sense to continue to talk of coordinating the function of education with those of health and welfare, when many major education components today lie outside the coordinating mechanism of the Department of Health, Education, and Welfare. It would be much more realistic and useful to create a new structure which recognizes the special role of education as a social function that already covers a broad spectrum of Federal interests. Thus, a Department of Education could ultimately take in a number of existing programs which have been established apart from the structure of the Department of Health, Education, and Welfare because the present Department could not contain them. This has resulted in inefficiency and impaired effectiveness in the whole educational structure. Once the new Department of Education is created I would urge the President to employ his reorganization powers to locate within it other appropriate activities.

Today the responsibilities given by the Congress and the President to the Office of Education have created pressure for a much different agency in scope and function than the small and relatively unimportant statistical Office that was incorporated into the Federal Security Agency in 1939 and then brought under a similar umbrella under the Department of Health, Education, and Welfare over a decade ago. Its current budget totals \$1½ billion. It expends another one-quarter billion dollars transferred from other Federal agencies of the Government. In 1966 its regular budget will approximate \$2 billion, and its legislative proposals will probably be at least as large. Thus, despite the fact that the Office now accounts for less than half of the education budget of the Federal Government, it already has a budget that exceeds that of several Cabinet departments.

When we are discussing education programs which are reaching into the \$8 to \$10 billion range in the Federal budget, we are derelict in our duty if we fail to recognize the need to consolidate as